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Paper No. 4

DOUGLAS H. TULLEY, JR.  
KIMBERLY-CLARK WORLDWIDE, INC.  
PATENT DEPARTMENT  
401 NORTH LAKE STREET  
NEENAH, WI 54956

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In re Application of  
Boggs, et al.  
Application No. 09/689,048  
Filed: October 12, 2000  
Attorney Docket No. 13,934.1

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ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed January 26, 2001, to reflect the name change of the seventh named inventor, Sandy Chi-Ching Tan.

The petition is **dismissed as moot**.

Pursuant to 37 CFR 1.48(f)(1): "If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship." Furthermore, Section 201.03 of the Manual for Patent Examining Procedure states: "Where the first-filed executed oath or declaration was filed on or after December 1, 1997 and sets forth an inventive entity which is different from the inventive entity initially set forth at the time of the filing of the application, the actual inventorship of the application will be taken from the executed oath or declaration." See 37 CFR 1.41(a)(1).

The Office notes that the above-identified application, as filed on October 12, 2000, did not contain an executed oath or declaration in compliance with 37 CFR § 1.63. Therefore, the later submission of an executed oath or declaration on January 23, 2001, which set forth the desired name change of the seventh named inventor, acted to correct the earlier identification of inventorship.

The \$130.00 petition fee is unnecessary, and thus, will be credited to Deposit Account No. 11-0875.

This file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5589.

*Christina T. Tartera*

Christina T. Tartera  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy